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DEC 09 2002

November 17, 2002

Commission's Secretary
Marlene H. Dortch
Office of the ~~Secretary~~
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

RE: 47 CFR Part 64

Notice of Proposed Rulemaking in CG Docket ~~No~~, 02-278, CC Docket No. 92-90, FCC 02-250. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991.

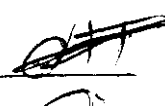
I **am** responding as a member of the public, who is a consumer of telephone services.

Lately, I have been fortunate not to receive an over abundance of telemarketing calls. However, when the calls do come in I **am** generally in the middle of preparing the evening meal, doing homework, or heading out the door. I **am** not always thinking about the proper steps or procedures to use in order to thwart the unwanted solicitations. Until the past few years I was unaware that there was anything I could do to prevent them, as I am sure there are other consumers who are unaware of the "do-not-call" list.

Recently, I received several phone calls from a telephone company trying to entice my family into changing our long distance service. The first couple of times I was too busy to deal with them, but forgot to tell them to put me on their do-not-call list. A few days later my daughter answered the phone and did remember to tell them to add us to the list, that if we wanted to change our **service** we would call. They were rather rude and argumentative with her before finally consenting to add our phone number to their list. We have not heard back from them, so I assume that it is working.

I feel that the case-by-case approach of adding my name and phone number to a do-no-call list is burdensome. On the days that I **am** rushed, I don't always remember to make the request or if someone else answers the phone I can't be sure that the request will get

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made. I would prefer to make the request **just** once and not have to worry about making it for every phone call I receive.

While I realize there are many people that do not mind receiving telephone solicitations, there are probably just as many who do. I feel that the information about the "do-not-call" list needs to be made available to everyone. I **recall** that once I received information in my phone bill, but I didn't read it thoroughly and set it aside to deal with another day, which I still haven't done. If I took the time to read my phone book, I would know that there is information, which includes an address, about the "do not call" list and what I need to do to protect myself. Yet, how many people actually read their phone books. I **am** not sure what system will work to educate people about the "do not call" list, but I do believe it must be presented via several methods.

I don't feel that any legitimate business or commercial speech interest is promoted by telemarketing phone calls. Businesses have many different methods of promoting their products. Businesses have television, radio, newspapers, and magazines to push their products; they do not need to push their products via the telephone. When a telemarketer reaches me they are intruding on my time, not giving me the choice of whether I want to listen to their spiel. If the same **information** was presented by other methods, I would be able to listen to or read the information in my own time or ignore the information, if that is what I decided to do.

While I think that the company-specific do-not-call list is important, I think that a national do-not-call list is a vital next step. By maintaining a **national** do-not-call list the consumer would only have to register once to have national protection. For myself, I think that I would prefer to register only once. I realize that one of the arguments against the national list is our transient society with people changing phone numbers many times during the ten-year span of being on the list, which requires additional upkeep of the list, but many people don't move because they are settled into their homes. Besides the list would need to be updated on a regular basis as additions are added to the list, so corrections should be no problem.

However, if the Commission was to decide to keep the company-specific do-not-call list greater flexibility should be given to consumers to register on these lists. I think that when a company calls they should identify themselves and provide a toll-free number that the consumer *can* use to register on the do-not-call list **and/or** provide a website that they can go to register.

I would also like to address the "caller ID" requirement. I would like to have the companies be required to show their name and number on the caller ID. I don't think that they should be allowed to block or alter the transmission of the information. If I **am**

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pressed for time and **see** a name and a phone number that is **unfamiliar** or is a company name, I then have the opportunity to decide whether to take the time to talk to them at that time.

Finally, I would like to see restrictions placed on autodialers **and** predictive dialers, especially when they use answering **machine** detection. There is nothing more annoying than picking up the phone and having "dead air", while the computer transfer you to the next available telemarketer. I generally hang up; therefore, not getting my name and phone number added to the do-not-call list.

While I am not an expert in the field of telemarketing, I hope that you will consider my comments as reflective of a certain category of consumers.

Sincerely,

A handwritten signature in cursive script that reads "Janet Crossman". The signature is written in black ink and is positioned above the printed name.

Janet Crossman

CC: Les Smith, FCC
Kim A. Johnson OMB Desk Officer